IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.721 OF 2004
IN
NOTICE OF MOTION NO.128 OF 2003
IN
INSOLVENCY NOTICE NO.N/140 OF 2003

Nirav & Company & Another .. Appellants.
V/s.
Kamlesh Shashikant Mehta .. Respondent.

Mr.Tushar Garodia i/b. Ms.Snehal Bawalia for the appellants.

Mr.K.T. Kukreja i/b. Kukreja & Co. for the respondent.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 15TH DECEMBER, 2004.

P.C. :

Heard Mr.Tushar Garodia, the learned counsel for the appellant and Mr.K.T. Kukreja, the learned counsel for the respondent.

2. It is not in dispute as was not in dispute before the learned single Judge that the writ of summons was served upon the appellant No.2 as a partner of the firm namely Nirav & Co. In this view of the matter, the learned single Judge cannot be said to have erred in holding that the decree was

executable against the partner (judgment debtor No.2) by virtue of provisions contained in Order 21 Rule 50(1)(c) of the Civil Procedure Code.

2. The appeal does not have any merit and is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)